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February 14, 2020

MEMO ENDORSED

VIA ECF AND EMAIL AT FAILLA NYSDCHAMBERS@NYSD.USCOURTS.GOV

Hon. Katherine Polk Failla
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Philadelphia Indemnity Insurance Company v. Streb, Inc.*, No. 1:19-cv-00366
(KFP)

Dear Judge Failla:

Pursuant to Rule 9 of your Honor's Individual Rules of Practice in Civil Cases, Defendant Streb, Inc. ("Streb") hereby requests leave to file redacted versions of its Memorandum of Law and Rule 56 responsive statement in opposition to Plaintiff Philadelphia Indemnity Insurance Company's ("PIIC's") motion for summary judgment. We make this request pursuant to the requirements set forth in the Agreed Protective Order that was So Ordered on July 17, 2019 (*see* Dkt. No. 25).

This action is an insurance coverage dispute in connection with an underlying personal injury action captioned *Shana Guins v. Streb, Inc.* (N.Y. Sup. Ct. Bronx Co., Index No. 34004/2018E) (the "*Guins* action"). The redacted portions of Streb's Rule 56 responsive statement simply reproduce redactions in PIIC's initially filed Rule 56 statement. The redacted portions of Streb's Memorandum of Law include discussion of emails from a PIIC employee that PIIC has marked "Confidential Information." Streb previously filed these emails under seal as Exhibit 5 to the Declaration of John H. Kazanjian in support of Streb's motion for partial summary judgment. *See* Dkt. No. 50-5. This request is being made as required under paragraph 7 of the Agreed Protective Order. The relevant emails were sought in discovery by Streb and produced by PIIC with the understanding that they would be held confidential. In order to prevent any prejudice against PIIC in connection therewith, we request that the Court grant Streb leave to file redacted versions of its Memorandum of Law and Rule 56 responsive statement.

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Clean copies of the unredacted versions of the Memorandum of Law and Rule 56 responsive statement are enclosed for your reference, as well as versions highlighting the information that has been redacted.

Respectfully,



John H. Kazanjian

cc (via ECF and e-mail): Michael T. Glascott, Esq.
Adam Ross Durst, Esq.
Jessica L. Kyle, Esq.

Application GRANTED.

Dated: February 18, 2020
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE